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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sanjeev Gupta

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60033

7590

02/13/2009

MARK TERRY

950 Peninsula Corporate Circle

Suite 3020

Boca Raton, FL 33487

EXAMINER

VO, TED T

ART UNIT

PAPER NUMBER

2191

MAIL DATE

DELIVERY MODE

02/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/700,431	Applicant(s) GUPTA ET AL.	
	Examiner TED T. VO	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is in response to the amendment filed on 04/05/2007.

Claims 1-20 are pending in the application.

Specification

2. The amendment to subject matters in the specification should be only for correction typographical errors or correction the specification arrangement element pursuant to 37 CFR 1.77(b). The amendment that changes the meanings is considered as attempting adding new subject matters. If anything that had made the change, a amendment for restoring would be appropriate.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 5, and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Leach, “Critical Chain Project Management Improves Project Performance” (hereinafter: Leach1), and “Schedule and Cost Buffer Sizing” (hereinafter: Leach2), Advanced Project Institute, Idaho.

As per Claim 1: Leach discloses,

A method on a computer for providing critical chain-based project management across a plurality of projects, comprising:

generating a plurality of project plans having a critical chain, each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task (see Leach1: Title and the broken chain; See Figure 1, p.3, see p. 8)

generating buffers for each of the plurality of projects, wherein at least one of the buffers generated is placed on the critical chain (see Leach 1: p. 29, Managing Buffer time, adding buffer time to project schedules, see p. 30: “buffer time” and “lie on the project’s critical path”);

reconciling project resources among the plurality of projects so as to accommodate the critical chain (Refer to the buffers why they are added in the chains, and see Figure 3, p. 5, it reestablishes critical chains. See p. 11, establish critical chains by removing resource contention); ***executing the plurality of project plans***
(See p. conclusion: applied CCPM).

continuously providing status information about the buffers to a user (see in p. 8, using feeding buffer, where the buffer provide the measurement and control mechanism, associated with completion probabilities, means for measuring a feeding path, etc.), **and**

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allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers.

(With the information in the buffer such as times, control mechanism, it allows user to manage buffers across dependencies of the projects such as path merging, measurement and decision making control, improving record schedule, cost etc (see abstract) so that all the critical chains will be merged at the end).

As per Claims 5, 17: See rationale addressed in the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 6-16, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leach, “Critical Chain Project Management Improves Project Performance” (hereinafter: Leach1), and “Schedule and Cost Buffer Sizing” (hereinafter: Leach2), in view of Microsoft

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Solution Framework, "MSF Project Management Discipline", p. 1-31, 6-2002 (hereinafter: MSF).

As per Claim 2: Leach suggest the use of Network, but does not explicitly disclose "**providing status information about the buffers to a user via a network interface**", in the manner as recited in:

The method of claim 1, wherein the step of continuously providing further comprises: continuously providing status information about the buffers to a user via a network interface.

See MSF, it provides the web (p. 16) so that a user can add the buffer time (p. 29).

Since Web is common used in the art. When a user can enters information using a project management at his computer cache, he can do the same via to the project management via the Web link of the Network. Leach mentions the Network, and Microsoft shows the common of Internet User (p.16).

Therefore, it is obvious to an ordinary in the art to utilize web link for conforming to the availability of Network, where the results for the user entered into the buffer at the computer cache or maintained via the Web are predictable.

As per Claim 3: In view of the use of Network by MSF, Leach further discloses, *The method of claim 2, further comprising: continuously modifying task prioritization for any task of the plurality of projects based on the*

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status information about the buffers, wherein task prioritization is calculated across the plurality of projects.

Further see Leach1, p. 9, a manger can consider time priority (also further see Leach2).

As per Claim 4: In further view of MSF, Leach discloses *The method of claim 3, further comprising: providing to the user, over a network interface, the task prioritization that was modified based on the status information about the buffers.*

Further see Leach1, p. 9, a manger can consider time priority.

As per Claims 9 and 12, and 13 and 16: See rationale addressed in claim 2.

As per Claims 6 and 18: See rationale addressed in claim 2.

As per Claims 6 and 18: See rationale addressed in claim 2.

As per Claims 3-4, 7-8, 10-11, 14-15, and 19-20: See rationale addressed in claims 3-4.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

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The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
February 12, 2009

/Ted T. Vo/
Primary Examiner, Art Unit 2191